

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:07CR169

EVA GONZALEZ-HERNANDEZ

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty pleas to sale of a social security card and aggravated identity theft, in violation of 42 U.S.C. § 408(a)(7)(c) and 18 U.S.C. § 1028A(a)(1). On December 18, 2007, defendant appeared before the Court for the purpose of entering her guilty pleas. In the course of the proceeding, defendant acknowledged her understanding of the right to be indicted and expressly consented to proceeding on the criminal information of the United States Attorney. Defendant was represented by appointed counsel, James Ellenson, Esquire.

Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. She answered all questions put to her in clear and concise language. Defendant's primary language is Spanish, therefore, the hearing was conducted with the assistance of a translator. Defendant indicated her understanding of the proceeding through the translator. On those occasions when she had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in her behavior at all times and clearly understood the seriousness of her position. At the close of the

proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is thirty years of age, attended school in Mexico for six years, and speaks Spanish as her native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair her judgment. She was cooperative throughout the proceeding.

Defendant entered her guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that she fully appreciates her position. Furthermore, she acknowledged that the statement of facts prepared in anticipation of her pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Norfolk, Virginia

December 20, 2007

/s/
James E. Bradberry
United States Magistrate Judge